



3. This Court's local rules require that a Motion be filed if a party desires to submit a brief in excess of fifteen pages or 5,000 words.

4. The instant action involves a Title VII claim by a former employee of the Juvenile Probation Department of the Cumberland County Court System. The suit, which was brought against Defendant Cumberland County on a joint employer theory although the Plaintiff's particular job falls within the purview of the Unified Judicial System, involves complex issues of fact and law. By way of example, the Statement of Undisputed Material Facts intended to be submitted in support of the Defendant's Motion for Summary Judgment is 55 pages in length and totals 323 numbered paragraphs. Multiple issues are to be raised in the Motion, including, but not limited to, whether or not the Defendant Commonwealth of Pennsylvania, Ninth Judicial District, Cumberland County, and Defendant Cumberland County are joint employers for purposes of Title VII analysis, and the extent to which the Defendant Cumberland County has met its obligations under Faragher and Ellsworth.

5. Defendant respectfully requests leave to submit a brief of approximately 50 pages in length to support its Motion and discuss the foregoing issues.

6. A. Taylor Williams, Esquire, counsel for the Defendant Judicial District and David J. MacMain, Esquire, counsel for the Defendant S. Gareth Graham concur in this Motion. Defendant has attempted to obtain the concurrence of Debra K. Wallet, counsel for the Plaintiff, and Paul J. Adams, counsel for Defendant Joseph Osenkarski, but no response to the request has been received as of the date of this Motion.

WHEREFORE, Defendant prays the Court to grant its Motion.

Respectfully submitted,

**THOMAS, THOMAS & HAFFER, LLP**

By: /s/ Paul J. Dellasega\_\_\_\_\_

Paul J. Dellasega, Esquire  
Attorney ID#: 23146  
305 North Front Street  
P.O. Box 999, Sixth Floor  
Harrisburg, PA 17108-0999  
(717) 255-7602

Attorneys for Defendants

Date: December 11, 2003

:269338.1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BARBARA E. VARNER,**  
**Plaintiff**

**V.**

**COMMONWEALTH OF PENNSYLVANIA,  
NINTH JUDICIAL DISTRICT,  
CUMBERLAND COUNTY,**

**and**

**CUMBERLAND COUNTY,**

**and**

**S. GARETH GRAHAM, Individually**

**and**

**JOSEPH OSENKARSKI, Individually  
Defendants**

• • • • •

**No.: 1:CV 01-0725**

## JURY TRIAL DEMANDED

**Electronically Filed**

**JUDGE YVETTE KANE**

## CERTIFICATE OF CONCURRENCE

I, Paul J. Dellasega, hereby certify that counsel for the Defendant  
Judicial District and David J. MacMain, Esquire, counsel for the Defendant  
S. Gareth Graham concurred in the within Motion. Defendant has  
attempted to obtain the concurrence of Debra K. Wallet, counsel for the

Plaintiff, and Paul J. Adams, counsel for Defendant Joseph Osenkarski, but no response to the request has been received as of the date of this Motion

Respectfully submitted,

**THOMAS, THOMAS & HAFFER, LLP**

By: /s/ Paul J. Dellasega  
Paul J. Dellasega, Esquire  
Attorney ID#: 23146  
305 North Front Street  
P.O. Box 999, Sixth Floor  
Harrisburg, PA 17108-0999  
(717) 255-7602

Attorneys for Defendants

Date: December 11, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that I sent a true and correct copy of the foregoing document to the following counsel of record, by placing a copy of same in the United States, first class mail, postage prepaid, addressed as follows:

Debra K. Wallet, Esquire  
24 North 32nd Street  
Camp Hill, PA 17011

A. Taylor Williams, Esquire  
Administrative Office of PA Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

David J. MacMain, Esquire  
Montgomery, McCracken,  
Walker & Rhoads, LLP  
123 South Broad Street  
Avenue of the Arts  
Philadelphia, PA 19109

Paul J. Adams, Esquire  
SWEENEY & SHEEHAN, P.C.  
1515 Market Street, 15<sup>th</sup> Floor  
Philadelphia, PA 19102

**THOMAS, THOMAS & HAFFER, LLP**

DATED: December 11, 2003 By: /s/ Paul J. Dellasega  
Paul J. Dellasega, Esquire